

09/21/2000

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

LEGAL ENFORCEMENT PROGRAM

999 18th STREET - SUITE 300

DENVER, COLORADO 80202-2466

<http://www.epa.gov/region08>

FACSIMILE COVER

DATE: September 21, 2000

TO: Jim Mimiaga

AGENCY/CO: Cortez Journal

CITY: Cortez

STATE: CO

FAX NUMBER: (970) 565-8532

TEL #: (970) 565-8527

NUMBER OF PAGES (Including Cover Sheet): 8

FROM: Sheldon H. Muller

SENDER'S TELEPHONE NUMBER: (303) 312-6916

SENDER'S FAX NUMBER: (303) 312-6953

COMMENTS: I am checking on the ability to provide the ARCO report.

☐ HARD COPY TO FOLLOW

SENDER: _____

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DATE/TIME: _____

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CIVIL ACTION NO. 99-M-1386

THE UNITED STATE OF AMERICA
and THE STATE OF COLORADO,

Plaintiffs,

v.

RICO DEVELOPMENT CORPORATION;
WAYNE WEBSTER; and
VIRGINIA SELL,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

SEP 15 2000

JAMES H. MANDRAKER
CLERK
BY DEP. CLERK

NOTICE OF DEFAULT

THIS MATTER is before the Court on the United States' Request for Entry of Default as to Defendant Rico Development Corporation filed on September 11, 2000. The undersigned clerk has read the motion and the attached affidavit of Stephen D. Taylor, Assistant United States Attorney, and has reviewed the file. The original return of service filed with the Clerk of the Court on October 18, 1999 indicates that the defendants were served the summons and original complaint in this action. For a period of time defendant RICO Development Corporation was represented by counsel, however, that counsel was allowed to withdraw and the corporate defendant was given to a date certain for new counsel to enter an appearance. To date, no new counsel has

appeared on behalf of the corporate defenant. On May 3, 2000, the Court ordered all of the defendants herein to file answers in accordance with the Federal Rules of Civil Procedure. Calculating the time for filing answers from May 3, 2000, allowing 3 days for mail to allow for a conservative calculation, the due date for the answer would have been May 26, 2000; that date is past.

Since the date of service of the Order of May 3, 2000, to date of this notice, no answer, response or entry of appearance has been filed for RICO DEVELOPMENT CORPORATION. Therefore,

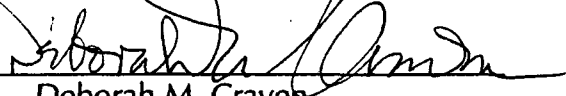
Default by defendant RICO DEVELOPEMENT CORPORATION is herewith noted.

Dated: September 15, 2000.

BY THE COURT:

JAMES R. MANSPEAKER, CLERK
United States District Court - Colorado

By


Deborah M. Craven
Deputy Clerk

Civil Action NO. 99-M-1386
Notice of Default
Page 2

Certificate of Service

The undersigned certifies that a copy of the foregoing Notice of Default was served on September 15, 2000, by:

() hand delivery to:

Judge Richard P. Matsch

Magistrate Judge O. Edward Schlatter

Stephen D. Taylor
Assistant United States Attorney
D.C. PICKUP BOX

Anthony S. Trumbly
Annette M. Quill
Assistant Attorneys General
D.C. BOX 20

AND

() depositing the same in the U.S. Mail, postage prepaid, addressed to:

Sheldon H. Muller
U.S. E.P.A., Region 8
999 18th Street, Suite 500
Denver, CO 80202-2466

Kevin M. Ward, Esq.
Harding, Shultz & Downs
1700 Lincoln Street, Suite 1800
Denver, CO 80203

Wayne Webster
5343 Impala South Road
Athens, TX 75751-6049

James R. Manspeaker, Clerk

By: 

Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CIVIL ACTION NO. 99-M-1386

THE UNITED STATE OF AMERICA
and THE STATE OF COLORADO,

Plaintiffs,

v.

RICO DEVELOPMENT CORPORATION;
WAYNE WEBSTER; and
VIRGINIA SELL,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

SEP 20 2000

JAMES M. MANSPEKER
CLERK

BY
DEP. CLERK

NOTICE OF DEFAULT

THIS MATTER is before the Court on the State of Colorado's Request for Entry of Default as to Defendant Rico Development Corporation filed on September 14, 2000. The undersigned clerk has read the motion and the attached affidavit of Annette M. Quill, Assistant Attorney General for the State of Colorado, and has reviewed the file. The original return of service filed with the Clerk of the Court on October 18, 1999 indicates that the defendants were served the summons and original complaint in this action. For a period of time defendant RICO Development Corporation was represented by counsel, however, on April 17, 2000 that counsel was allowed to withdraw and the corporate defendant RICO Development Corporation was given to

May 2, 2000, to enter its appearance by substitute counsel. To date, no new counsel has appeared on behalf of the corporate defendant RICO Development Corporation. On May 3, 2000, the Court granted plaintiffs' permission to file an amended complaint and ordered all of the defendants herein to file answers in accordance with the Federal Rules of Civil Procedure. The First Amended Complaint was filed on May 23, 2000. Allowing 20 days under the Rules for filing answers and calculating the time from May 23, 2000, allowing 3 days for mailing for a more conservative calculation, the due date for Answers would have been June 15, 2000.

Since the date of service of the Order of May 3, 2000, and the filing of the First Amended Complaint on May 23, 2000, to the date of this notice, no answer, response or entry of appearance has been filed for RICO DEVELOPMENT CORPORATION. Therefore,

Default by defendant RICO DEVELOPMENT CORPORATION is herewith noted.

Dated: September 20, 2000.

BY THE COURT:

JAMES R. MANSPEAKER, CLERK
United States District Court - Colorado

By


Deborah M. Craven
Deputy Clerk

Civil Action NO. 99-M-1386
Notice of Default
Page 2

Certificate of Service

The undersigned certifies that a copy of the foregoing Notice of Default was served on September 20, 2000, by:

~~1)~~ hand delivery to:

Judge Richard P. Matsch

Magistrate Judge O. Edward Schlatter

Stephen D. Taylor

Assistant United States Attorney

D.C. PICKUP BOX

Anthony S. Trumbly

Annette M. Quill

Assistant Attorneys General

D.C. BOX 20

AND

~~1)~~ depositing the same in the U.S. Mail, postage prepaid, addressed to:

Sheldon H. Muller

U.S. E.P.A., Region 8

999 18th Street, Suite 500

Denver, CO 80202-2466

Kevin M. Ward, Esq.

Harding, Shultz & Downs

1700 Lincoln Street, Suite 1800

Denver, CO 80203

Wayne Webster

5343 Impala South Road

Athens, TX 75751-6049

James R. Manspeaker, Clerk

By: 
Deputy Clerk

MS. ANNETE M. QUILL
ATTORNEY GENERAL
ENVIRONMENT SECTION
OFFICE OF THE COLORADO ATTORNEY GENERAL
1525 SHERMAN ST
DENVER CO. 80203

6-15-00

RECEIVED

JUN 19 2000

OFFICE OF THE
ATTORNEY GENERAL
NATURAL RESOURCES &
ENVIRONMENT SECTION

CIVIL ACTION NO. 99-M-1386

DEAR SIR:-

NO THRU 24 DENIED

NO 25 NO DISCHARGE FROM BLAINE TUNNEL FOR 3 YRS, UNTIL
SOMEONE BROKE THE DAM

NO 26 DENIED

NO 27 DENIED

NO 28 THRU 32

OK ABOUT NOV 4 W. WEBSTER PUT THE PROPERTY IN
QUESTION IN HIS NAME. AT THE TIME OF SALE R.P.
DID NOT THE PROPERTY, WHICH WAS THE PATENTED CLAIM
(NO. 410) EAST OF THE DOLORES RIVER. R.P.
ALSO WANTED THE PROPERTY WHICH INCLUDED
THE ST. LOUIS TUNNEL, BECAUSE R.P. RENTED THE
PROPERTY IN QUESTION TWO MT. GRAVER FOR
MAKING ASPHALT TO COVER THE ST. HWAY. R.D.C.
NEVER MISTAKENLY TRANSFERRED THE ST. LOUIS
TUNNEL TO R.P. AS ALLEGED. R.D.C. QUIT MAINTAINING
THE ST. LOUIS OUTFALL WHEN IT WAS SOLD TO R.P.
AT THAT TIME R.P. CHANGED THE LOCKS ON
BUILDING AND W. WEBSTER WAS LOCKED OUT.

THERE IS NO AGREEMENT THAT R.P. COULD GIVE
ANY PROPERTY BACK TO R.D.C.

NO-33 THRU 39 DENIED

NO 40 ON APRIL 13-14 W WEBSTER GAVE THE E.P.A. PERMISSION
TO ENTER THE PROPERTY.

NO 41 MOST OF THE POND PROPERTY IN QUESTION IS OWNED
BY THE FEDERAL GOVERNMENT

NO 42 W. WEBSTER HAD NOTHING TO DO WITH FIXING THE
POND OVERFLOW, WHICH WAS CAUSED BY THE BEAVER

NO 43 THRU 49 DENIED

NO 50 THRU 54 DENIED

NO 55 THRU 60 DENIED

NO 61 THRU 85 DENIED

NO 1 THRU 8 DENIED

Wayne Webster